

D. Remarks

In the office action, claims 5-7, 8-10, 12-14, and 23 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite; claims 1-4, 11, 12, 15, 16, 19, and 22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Flomat Ltd. Drawings of Lift Table, 1984 (“Fomat”); and claims 5-10, 13, and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Flomat in view of U.S. Patent 6,854,401 (“Lin”). Claims 17, 18, 20, and 21 are objected-to as being dependent upon a rejected based claim but otherwise allowable if re-written in independent form. Claim 23 is deemed allowable if re-written to overcome the rejection under § 112 and to include all of the limitations of the base claim and any intervening claims. Applicant respectfully traverses the rejections as follows.

1. Amendments to the Claims

Claim 1 has been amended to substantially conform to allowable claim 23, with the exception that it does not include the recital of a support sleeve attached to the mounting plate in which the elongate member is slidably received, are recited by original claim 23. Amended claim 1 includes all other recitals of original claims 22 and 23, namely the at least one guide member (claim 22), the base plate (claim 23), the mounting plate (claim 23), and the structure of the at least one guide member (claim 23).

Applicant submits that amended claim 1 overcomes the § 102(b) rejection based on Flomat because this reference does not disclose a table assembly for a bag filling apparatus which includes element (g) of amended claim 1, namely:

(g) at least one guide member for guiding vertical movement of the bag support table; wherein each of said at least one guide members comprises an elongate member protruding vertically from the base and has an upper end which passes through an aperture in the mounting plate during lowering of the support table.

The Lin reference cited by the Examiner likewise does not teach or suggest a table assembly having element (g) of amended claim 1. Therefore, Applicant submits that amended claim 1 also overcomes the § 103(a) rejection based on Flomat in view of the Lin patent.

In order to address the § 112 rejections, the following claim amendments have also been made: (1) claims 3, 7, 8, 12 and 20 have been amended to avoid use of the term "table mounting plate"; (2) claims 5 and 8 have been amended to avoid use of the term "vibration damping means"; and (3) claim 23 has been amended to avoid use of the term "each said guide member".

In response to the objection of term "said axis" at claim 9, line 2, Applicant submits that proper antecedent basis for this term is provided in paragraph (c) of claim 1.

2. Amendments to the Specification

In response to the objection to the Abstract, the Abstract is herein amended to avoid use of the term "means."

3. New Claims 24-32

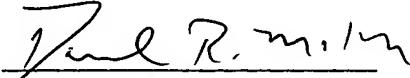
New claims 24-32 have been placed on file to better define the scope of the invention. New claim 24 substantially corresponds to objected-to claim 17 re-written in independent form to include all features of its respective base claim and any intervening claims, and new claim 25 corresponds identically to amended claim 18. New claims 26 and 27 further define the lower stop members of new claims 24 and 25. New claim 28 substantially corresponds to objected-to claim 20 re-written in independent form to include all features of its respective base claim and any intervening claims, and new claim 29

corresponds identically to original claim 21. New claims 30-32 further define the upper stop arrangement recited by new claims 28 and 29.

E. Conclusion

Applicant respectfully requests a Notice of Allowance for the pending claims in the present application. If the Examiner is of the opinion that the present application is in condition for disposition other than allowance, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below in order that the Examiner's concerns may be expeditiously addressed.

Respectfully submitted,



Daniel R. Miller
Daniel R. Miller
Reg. No. 52,030

KIRKPATRICK & LOCKHART NICHOLSON GRAHAM, LLP
Henry W. Oliver Building
535 Smithfield Street
Pittsburgh, Pennsylvania 15222
Tel. (412) 355-6773
Fax (412) 355-6501